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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,312	08/18/2003	Yasuaki Nakamura	16869K-090400US	4217

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EXAMINER

PATEL, HETUL B

ART UNIT PAPER NUMBER

2186

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/643,312

Applicant(s)

NAKAMURA ET AL.

Examiner

Hetul Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/18/03; 05/09/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the communication filed on 07/25/2005. Claims 2, 8 and 9 are cancelled and claims 1, 3-7 and 10-11 are presented for examination.
2. The IDS filed on 08/18/2003 have been received and carefully considered.

Double Patenting

3. Claims 1 and 10 of this application conflict with claims 1 and 2 of Application No. 11/177,177. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Objections

4. Claim 5 is objected to because of the following informalities:

The phrase "... no logical device has been assigned has been received from said information processing device" in lines 5-6 is not clear.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-7 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Voigt et al. (USPN: 6,684,313) hereinafter, Voigt.

As per claim 1, Voigt teaches a disk control system (i.e. the data storage system 24 in Fig. 8) that receives a process command for writing or reading of data from an information processing device (i.e. 20 in Fig. 8), and performs a write or read process of data with respect to a logical device (LU0-LU5 in Fig. 1) corresponding to a logical unit (logical groups 1-3; 110, 120 and 130 in Fig. 1) specified by that process command, comprising: means for managing, as units, logical devices, which are logical storage regions that have been set in a storage region provided by a disk drive (i.e. disk 170, 175, 180 in Fig. 1); means for storing a correspondence between said logical devices and logical units, said logical units being storage regions that have been set logically (e.g. see Col. 4, lines 32-67 and Figs. 1 and 8). Furthermore, Voigt teaches means for assigning, when a process command has been received for a logical unit to which no logical device has been assigned, a logical device to that logical unit and performing processing with regard to that logical device; and means for responding to said

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information processing device, when a process command that does not cause a process with regard to said logical device has been received from said information processing device, by performing a process corresponding to that process command without performing said assignment (e.g. see Col. 2, lines 31-47).

As per claims 10 and 11, see arguments with respect to the rejection of claim 1. Claims 10 and 11 are also rejected based on the same rationale as the rejection of claim 1.

As per claim 3, Voigt teaches the claimed invention as described above and furthermore, Voigt teaches that the disk control system further comprising means for assigning a plurality of said logical devices (i.e. LU0, LU3 and LU4 in Fig. 1) to one of said logical units (i.e. the logical group 1, 110 in Fig. 1); and means for assigning to that logical unit only a number of said logical devices that is necessary in order to perform the processing corresponding to said process command (e.g. see Col. 2, lines 32-55 and Fig. 1).

As per claim 4, Voigt teaches the claimed invention as described above and furthermore, Voigt teaches that the disk control system further comprising means for sending to said information processing device a message indicating that said process command cannot be processed, if there is no logical device that can be assigned to said logical unit (e.g. see Col. 8, lines 48-63 and Fig. 9).

As per claim 5, Voigt teaches the claimed invention as described above and furthermore, Voigt teaches that the disk control system further comprising means for sending to said information processing device a message indicating that reading is

impossible, if a process command requesting the reading of data from a logical unit to which no logical device has been assigned said information processing device (e.g. see Col. 8, lines 48-63 and Fig. 9).

As per claim 6, Voigt teaches the claimed invention as described above and furthermore, Voigt teaches that the information processing device is an open system computer (i.e. the computer system 20 in Fig. 7).

As per claim 7, Voigt teaches the claimed invention as described above and furthermore, Voigt teaches that the process command of the disk control system is a SCSI command (e.g. see Col. 9, lines 33-37).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hetul Patel whose telephone number is 571-272-4184. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MATTHEW D. ANDERSON
PRIMARY EXAMINER